EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0555-PWS-E **TCEQ ID:** RN101183135 **CASE NO.:** 33124

RESPONDENT NAME: City of Godley

ORDER TYPE:							
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDERSHUTDOWN ORDERIMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER							
_AMENDED ORDER _EMERGENCY ORDER							
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
SITE WHERE VIOLATION(S) OCCURRED: City of Godley PWS, 104 South Main Street, Godley, Johnson County TYPE OF OPERATION: Public water supply SMALL BUSINESS: YesX_ No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.							
INTERESTED PARTIES: No one other that	an the ED and the Respondent has expressed an inter-	rest in this matter.					
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on September 3, 2007	. No comments were received.					
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Barnett, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3680; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable David J. Wallis, Mayor, City of Godley, P.O. Box 27, Godley, Texas 76044 Respondent's Attorney: Not represented by counsel on this enforcement matter							

RESPONDENT NAME: City of Godley DOCKET NO.: 2007-0555-PWS-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED Dea \$8702703 (0.218)33.007030464 **Ordering Provisions:** Total Assessed: \$825 Type of Investigation: Complaint Total Deferred: \$165 The Order will require the Respondent to: Routine X Expedited Settlement X Enforcement Follow-up a. Within 30 days after the effective date of Records Review the Agreed Order, begin maintaining an Financial Inability to Pay up-to-date chemical and microbiological Date(s) of Complaints Relating to this monitoring plan, and a thorough and up-**SEP Conditional Offset: \$0** Case: None to-date plant operations manual. **Total Paid to General Revenue: \$660** Date of Investigation Relating to this b. Within 60 days after the effective date Case: March 6, 2007 of this Agreed Order: Site Compliance History Classification Date of NOV/NOE Relating to this Case: High __ Average __ Poor i. Submit written certification to March 20, 2007 (NOE) demonstrate compliance with Ordering Person Compliance History Classification Provision a.; and Background Facts: This investigation was High X Average Poor conducted as a follow-up after the City ii. Test all backflow prevention assemblies failed to provide compliance documentation Major Source: Yes X No and certify each to be operating within after being issued an NOV for violations specifications. discovered during a routine investigation. Applicable Penalty Policy: September 2002 c. Within 90 days after the effective date of WATER this Agreed Order: 1) Failed to provide the system with two or i. Submit written certification to more wells with a total well capacity of 0.6 demonstrate compliance with Ordering gallons per minute ("gpm") per connection Provision b.ii.; and or an approved interconnection which can supply at least 0.35 gpm per connection in ii. Provide two or more wells that provide the event of an emergency [30 Tex. ADMIN. a total capacity of 0.6 gpm per connection, CODE § 290.45(b)(1)(D)(i) and TEX. or obtain an exception to the requirement. HEALTH & SAFETY CODE § 341.0315(c)]. d. Within 105 days after the effective date 2) Failed to compile and maintain a of this Agreed Order, submit written thorough and up-to-date plant operations certification and include detailed manual for operator review and reference supporting documentation including [30 Tex. Admin. Code § 290.42(1)]. photographs, receipts, and/or other records to demonstrate compliance with Ordering 3) Failed to conduct an annual inspection, Provision c.ii. tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection [30 Tex. Admin. Code § 290.44(h)]. 4) Failed to develop and maintain an up-todate chemical and microbiological monitoring plan [30 Tex. ADMIN. CODE § 290.121(a)].

Policy Revision 2 (Sep	Penalty Calculation	n Works	sheet (P	•	Revision March 19, 2007
TCEQ					
DATES Assigned PCW	26-Mar-2007	EPA Due			
RESPONDENT/FACILITY	INFORMATION	· · · · · · · · · · · · · · · · · · ·		MEVALLE ALL MATERIAL MATERIAL CAL	
The state of the s	City of Godley				
Reg. Ent. Ref. No.					· · · · · · · · · · · · · · · · · · ·
Facility/Site Region		Major/I	Minor Source	Minor	
CASE INFORMATION	N. A. A. C.				
Enf./Case ID No.		No،	of Violations		
	2007-0555-PWS-E		Order Type		
• ,	Public Water Supply	Enf	. Coordinator	Anita Keese	· ·
Multi-Media		#4 000 T	EC's Team	EnforcementTea	m Z
Admin. Penalty \$	Limit Minimum \$50 Maximum	\$1,000			
	Penalty Calcula	ition Sec	tion		
TOTAL BASE PENAL	TY (Sum of violation base penaltie	es)		Subtotal 1	\$750
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	•				O Paragraphic Control of the Control
ADJUSTMENTS (+/-)					ACCOUNTS OF THE PARTY OF THE PA
	ined by multiplying the Total Base Penalty (Subtotal 1) by			. (-1-0-0-0-7	67 5
Compliance Hist		Enhancement		otals 2, 3, & 7	\$75
	The enhancement is based on two Notice				
Notes			e current		
	enforcement action	on.			
Culpability	No 0%	Enhancement		Subtotal 4	\$0
Guipability	110	Linancement	**************************************]	70
Notes	The Respondent does not meet the	e culpability cr	iteria.		
]	
Good Faith Effor	t to Comply 0%	Reduction		Subtotal 5	\$0
Good Faith Elloi	Before NOV NOV to EDPRP/Settlement Offer	Reduction		Subtotal 5	ΨΟ
Extraordinary					
Ordinary					
N/A					
	· · · · · · · · · · · · · · · · · · ·		25.5.35-1 1.55-1 .55-1.55-1.55-1.55-1.55-1.55-1.55	1	
Notes	The Respondent does not meet the	e good faith cr	riteria.		
				J	
	0%	Enhancement*		Subtotal 6	\$0
	4.4.	at the Total EB	\$ Amount		
Approx.	Cost of Compliance \$5,800				
CLIM OF CURTOTAL	C 4 7			Cinal Subtatal	\$825
SUM OF SUBTOTAL	.5 1-1		•	Final Subtotal	4023
OTUED E 4 OTODO 4	O WIGTIGE MAY DECUIDE		1		\$0
	S JUSTICE MAY REQUIRE	20 for 30]	Adjustment	Ψ 0
Reduces or enhances the Final s	Subtotal by the indicated percentage. (Enter number onl	y, e.g30 101 -30	/0.)	7	
Notes					
Notes					
			Final Pe	」 nalty Amount ☐	\$825
				manty rumount _	Ţ
STATUTORY LIMIT	AD HISTMENT		Final Acc	essed Penalty	\$825
CIAIOIONI LIMII	ADOCO I INCIA I		i iliai Assi		+320
DECEDENT		20%	Reduction	Adjustment	-\$165
DEFERRAL Reduces the Final Assessed Pe	nalty by the indicted percentage. (Enter number only; e.			Aujusunent	-ψ103
TOURDES WIS I MAI MOSESSEU PE	Tany by the maleton percentage. (Enter number offly, e.	g. 20 101 20/0 18U		7	
Notes	Deferral offered for expedite	ed settlement			
140103	25.5.Tai onoroa for expedite	00			

\$660

PAYABLE PENALTY

Docket No. 2007-0555-PWS-E

PCW

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

Respondent City of Godley Case ID No. 33124

Reg. Ent. Reference No. RN101183135

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Compliance History Worksheet

Com	Component	/ Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of llability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	* 0	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	. 0	0%
ú.	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		, Pleas	e Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	J	Participation in a γoluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
		Adjustment Po	ercentage (Su	btotal 2) 1
Repe	eat Violator (Su	btotal 3)		
	N/A	Adjustment Po	ercentage (Su	btotal 3)
Com	pliance History	Person Classification (Subtotal 7)	r est pectation	Hankins (1886)
	Average Po	erformer Adjustment Po	ercentage (Su	btotal 7)
Com	pliance History	Summary (1) is the control of the co	1 1 4 20 4	ą.
	Compliance History Notes	The enhancement is based on two Notices of Violation that contain violations that are the san those in the current enforcement action.	ne or similar as	
		Total Adjustment Percentage	· · · · · ·	, 3, & 7)

Screening Date	3-Apr-2007	Docket N	o. 2007-0555-PWS-E	PCW
Respondent	City of Godley		Policy Re	evision 2 (September 2002)
Case ID No.			PC	W Revision March 19, 2007
Reg. Ent. Reference No.				000000000000000000000000000000000000000
	Public Water Supply			Annual Co.
Enf. Coordinator				manus AAAAAA
Violation Number	1			and on the state of the state o
Rule Cite(s)	30 Tex. Admin. Co	ode § 290.45(b)(1)(D)(i) an 341.0315(c)	d Tex. Health & Safety Code §	DECEMBERATION OF PROPERTY AND ADMINISTRATION OF THE
Violation Description	gallons per minute ("gp supply at least 0.35 gp	m") per connection or an a m per connection in the ev	ells with a total well capacity of 0.6 approved interconnection which can went of an emergency. Specifically, ections, which is approximately 7% 1.217 gpm.	
			Base Penalty	\$1,000
>> Environmental, Property a	and Human Health N	latrix	AND STREET STREET, STR	pperconnumber
	Harm	ATT MINATES	的主义的 1985年	on development and a second
Release		e Minor		AND VIEW COMME
OR Actual			50()	
Potential		<u> </u> X	Percent 5%	***************************************
>>Programmatic Matrix	and the second second	December 1		
Falsification	Major Moderat	e Minor	indika	WALLAWAY OF
	i i i i i i i i i i i i i i i i i i i		Percent 0%	
	1		1	~
Matrix Notes Without suffi	icient well capacity, the co system's ability to provid	ustomers of the water supple a safe and reliable wate	oly could experience water shortages r supply could be compromised.	AND
	i deservi	SACADERINE LIBER	Adjustment \$950	
	234 - 144 (1896) 2007 (1875) 25 25 25 26 26 26 26 26 26 26 26 26 26 26 26 26	ON TAXABLE STATE OF THE STATE OF	\$ 20 0 0 0000000 # 100 000000 000 000 000 0	0.50
				\$50
Violation Events	THE REPRESENTATION OF THE PROPERTY OF THE PROP			The state of the s
Number of Vi	olation Events 1	28	Number of violation days	CONTRACTOR
mərk only one with an x	daily monthly quarterly semiannual annual		Violation Base Penalty	, \$50
	single event x			MAAAAAAAA
	One	single event is recommen	ided.	
Economic Benefit (EB) for the	nis violation		Statutory Limit Test	
Estimate	ed EB Amount	\$317	Violation Final Penalty Tota	I \$55
	No.		and Boundle (a. B. at al San B. W.)	\
	THE STATE OF THE S	Inis violation Final As	sessed Penalty (adjusted for limits) \$55

Economic Benefit Worksheet Respondent City of Godley Case ID No. 33124 Reg. Ent. Reference No. RN101183135 Media Public Water Supply Percent Interest Depreciation Violation No. 1 5.0 **Date Required** Interest Saved Onetime Costs ... EB Amount Item Cost **Final Date** Item Description No commas or \$ **Delayed Costs** 0.0 0.0 0.0 0.9 Equipment Buildings \$0 \$0 \$0 Other (as needed) 6-Mar-2007 Engineering/construction \$5,000 31-Jan-2008 \$15 \$302 0,0 n/a Record Keeping System 0,0 n/a Training/Sampling 0.0 Remediation/Disposal 0,0 n/a Permit Costs 0.0 n/a Other (as needed) & hope . The estimated cost to provide additional well capacity. The date required is the investigation date and the final Notes for DELAYED costs date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Avoided Costs Disposal 0,0 Personnel 0.0 Inspection/Reporting/Sampling 0.0 Supplies/equipment 0,0 \$0 \$0 Financial Assurance [2] 0.0 ONE-TIME avoided costs [3] 0.0 \$0 \$0 Other (as needed) 4618 A 185 There are no avoided costs associated with this violation. Notes for AVOIDED costs

TOTAL

\$317

Approx. Cost of Compliance

Screening Date	3-Apr-2007	Docket No. 2007-0555-PWS-E	PCW
Respondent		Policy	Revision 2 (September 2002)
Case ID No.		F	CW Revision March 19, 2007
Reg. Ent. Reference No.			200711111111111111111111111111111111111
Media [Statute]		pply	٠
Enf. Coordinator			
Violation Number	<u> </u>		-1
Rule Cite(s)		30 Tex. Admin. Code § 290.42(I)	
Violation Description	Failed to comp	ile and maintain a thorough and up-to-date plant operations manual for operator review and reference.	
		Base Penalt	y \$1,000
>> Environmental, Property	and Human He	ealth Matrix	
	una naman n	Harm	
Release		Moderate Minor	
OR Actua		Percent 09/	
Potentia	' <u> </u>	Percent 0%	
>>Programmatic Matrix			
Falsification	Major I	Moderate Minor	
	X	Percent 10%	
Matrix Notes		100% of the rule requirement was not met.	
	de esta produce de la constanción de l La constanción de la	Adjustment \$90	00
			\$100
			Ψ.00
Violation Events	Callegaries (77)		
Explained (in the Explain Complete of Adoles Complete of Complete	[***
Number of V	iolation Events	1 28 Number of violation days	2
mark only one with an x	daily monthly quarterly semiannual	Violation Base Penal	ty \$100
	annual single event	X	
		One single event is recommended.	
Economic Benefit (EB) for t	his violation	Statutory Limit Test	A CONTRACTOR
Estimate	ed EB Amount	\$8 Violation Final Penalty Tol	al \$110
		This violation Final Assessed Penalty (adjusted for limit	s) \$110
[경우 및 경영화 등급입원 회원보다 (10.00m 원호 및 10.00m 원호			

Benefit Worksheet Respondent City of Godley Case ID No. 33124 Reg. Ent. Reference No. RN101183135 Percent Interest Depreciation Media Public Water Supply Violation No. 2 5.0 Item Cost Date Required Final Date Interest Saved Onetime Costs EB Amount Item Description No commas or \$ **Delayed Costs** Equipment Buildings 0,0 0,0 0,0 0,0 \$0 \$0 \$0 \$0 Other (as needed) Engineering/construction 0.0 n/a Record Keeping System 0.8 n/a Training/Sampling 0.0 Remediation/Disposal 0,0 \$0 n/a Permit Costs 0,0 n/a Other (as needed) n/a The estimated cost to prepare an up-to-date plant operations manual for operator review and reference. The Notes for DELAYED costs date required is the investigation date and the final date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 Personnel 0,0 Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 Supplies/equipment 0.0 Financial Assurance [2] 0,0 ONE-TIME avoided costs [3] 0,0 Other (as needed) There are no avoided costs associated with this violation. Notes for AVOIDED costs TOTAL Approx. Cost of Compliance \$8

Screening Date	3-Apr-2007	Docket No	. 2007-0555-PWS-E	PCW
Respondent			Policy S	Revision 2 (September 2002)
Case ID No.			PC	W Revision March 19, 2007
Reg. Ent. Reference No.	RN101183135			
Media [Statute]	Public Water Supply	`		
Enf. Coordinator	Anita Keese			
Violation Number	3			=
Rule Cite(s)		30 Tex. Admin. Code § 29	90.44(h)	
Violation Description	assembly tester, of protection. Specif	on all backflow prevention asse	assemblies for the wastewater	
			Base Penalty	\$1,000
>> Environmental, Property a	ind Human Health	Matrix	per content than a series	
	Harm			
Release OR Actual		te Minor		
Potential	<u></u>		Percent 25%	
i Otendar	L^		2070	
>>Programmatic Matrix	A SECTION OF THE SECT	A CONTRACTOR OF THE PARTY OF TH		
Falsification	Major Modera	ate Minor		
			Percent 0%	
				=1
Matrix Notes Failure to have	ve backflow assemblies or supply to pollutants w	tested, ensuring their functiona hich would exceed levels that a	ality, could expose the customers o are protective of human health.	f
			Adjustment \$750	
	POSSE CONTRACTOR TO A CONTRACTOR AND A C	ANCIETA SINSELLE SERBER BERT COLL. LE MINE AN BOLD DIRECTOR COLLEGE COLLEGE COLLEGE COLLEGE COLLEGE COLLEGE CO	2000 to 000 to	-
•				\$250
Violation Events	19.272	Salar in a set EPH-2255	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
VIOIAUOITEVAITS	354964966633	CI CO		*
Number of Vio	olation Events 2	28	Number of violation days	
	daily			
	monthly			\$
mark only one	quarterly		Violation Base Penalty	\$500
with an x	semiannual			
	annual x single event			
	strigle event			
	Two annual ever	its (one for each assembly) are	e recommended.	
Economic Benefit (EB) for th	is violation	LICENSE SOUTH CHARLES	Statutory Limit Test	
		energi (Companya)	-	
Estimate	d EB Amount	\$420	Violation Final Penalty Tota	\$550
		This violation Final Asse	essed Penalty (adjusted for limits	\$550
	35.100	Car minute and an arrangement	ELECTRICAL PROPERTY OF THE PROPERTY OF THE PARTY OF THE P	GPROSE SALES OF THE SECOND SEC

Economic Benefit Worksheet Respondent City of Godley Case ID No. 33124 Reg. Ent. Reference No. RN101183135 Media Public Water Supply Years of Percent Interest Violation No. 3 Depreciation 5.0 Date Required Final Date Interest Saved Onetime Costs EB Amount Item Description No commas or \$ Interior and **Delayed Costs** 0.0 0.0 0.0 0.0 Buildings Other (as needed) Engineering/construction 0.0 Land n/a Record Keeping System n/a Training/Sampling 0,0 n/a Remediation/Disposal 0.0 n/a Permit Costs n/a Other (as needed) There are no delayed costs associated with this violation. Notes for DELAYED costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal Personnel 0,0 6-Mar-2007 1,0 \$20 \$0 Inspection/Reporting/Sampling Supplies/equipment \$0 Financial Assurance [2] 0.0 ONE-TIME avoided costs [3] 0,0 Other (as needed) Estimated cost to test the backflow prevention assemblies by a recognized backflow prevention tester calculated Notes for AVOIDED costs for the year prior to the investigation. ed went out a 168 \$400 \$420 Approx. Cost of Compliance

Screening Date	3-Apr-2007	Docket No. 2007-0555-PWS-E	PCW
Respondent		Policy Re	evision 2 (September 2002)
Case ID No.		PCI	V Revision March 19, 2007
Reg. Ent. Reference No.			
Media [Statute]		upply	
Enf. Coordinator Violation Number			-
violation Number Rule Cite(s)	<u> </u>		•
. Raie Otte(3)		30 Tex. Admin. Code § 290.121(a)	
Violation Description	Failed to deve	elop and maintain an up-to-date chemical and microbiological monitoring plan.	
		Base Penalty	\$1,000
>> Environmental, Property	and Human F	Harm	
OR Release Actual Potentia		Moderate Minor Percent 0%	
>>Programmatic Matrix	ere accessorer		
Falsification	77	Moderate Minor	
	<u> x </u>	Percent 10%	
Matrix Notes		100% of the rule requirement was not met.	
		Adjustment \$900	
E TOCK CONTROL SET CHANGE AND CONTROL OF THE SECURITION OF A CONTROL OF THE SECURITION OF THE SECURITI	STATE OF THE STATE	A (1964.5.5) WY (1971.18.10) V V V (1974.5.30) WWW. (1974.5.5) WW.	\$100
			\$100
Violation Events	acroson thousand 12 beau.		
A service of contraction and a service of the servi	20,000		
Number of V	iolation Events	1 28 Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event	Violation Base Penalty	\$100
		One single event is recommended.	
Economic Benefit (EB) for t	_	Statutory Limit Test	
Estimate	ed EB Amount[\$8 Violation Final Penalty Total	\$110
	11 15 15 (Mar Proc 1988) 18 15 15 18 18 18 18 18 18 18 18 18 18 18 18 18	This violation Final Assessed Penalty (adjusted for limits)	\$110

Izespolidelli	City of Godley	conomic l	r See alder on B. B.	1	to other states continued to the periods		ere et mente per o
Case ID No					a second of	ter in the second	
						and the second	
Reg. Ent. Réference No						resource some a course	antaria sara
	Public Water S	upply				Percent Interest	Years of
Violation No	. 4		PROTEST NO. 100				Depreciation
					31800 P	5.0	311 to 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commoe or \$	ración metanda playa en para de tenta	a posta plijakas karanter		or vices and interpretary	Jag Bridge Color	2. J.
nom e soonifine.	1 140 COMMINAS OF W						
Delayed Costs	ego, egyetet sekkeleleke	Didge Palitic Section .					
Equipment	Shake the comment of the	production and district and		0.0	\$0	1 \$0 I	\$0
Buildings	part of the new areas (2) and	Societicación en la constitu		0.0	\$0	\$0	\$0 \$0
Other (as needed)	0.200 00000 0000			0.0	\$0	\$0	\$0
Engineering/construction	Leave beginning and spirit	200000000000000000000000000000000000000		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	6-Mar-2007	31-Dec-2007	0.8	\$8	n/a	\$8
Training/Sampling	4200	o mai zoo,	0.000.000	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	The nationale		لعقيموا والمرام والمرام	المحمد المحا	عد الممادة المامية		
Notes for DELAYED costs	The estimated				microbiological m s the estimated da	onitoring plan. The te of compliance.	date required i
Notes for DELAYED costs Avoided Costs		the investigation	n date and the fina	al date i	s the estimated da		
		the investigation	n date and the fina	ntering	s the estimated da	te of compliance.	costs) \$0
Avoided Costs Disposal Personnel		the investigation	n date and the fina	ntering	s the estimated da	te of compliance. one-time avoided of \$0 \$0 \$0	sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	the investigation	n date and the fina	ntering 0.0 0.0 0.0	s the estimated da	te of compliance.	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment	ANN	the investigation	n date and the fina	ntering 0.0 0,0 0,0 0,0	s the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ANN	the investigation	n date and the fina	ntering 0.0 0.0 0.0 0.0 0.0 0.0	s the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	the investigation	n date and the fina	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	s the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ANN	the investigation	n date and the fina	ntering 0.0 0.0 0.0 0.0 0.0 0.0	s the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	the investigation	n date and the fina	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	s the estimated da item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
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Compliance History

Customer/Respondent/Owner-Operator:

CN600630495

City of Godley

Classification: AVERAGE

Rating: 1.90

Regulated Entity:

RN101183135

CITY OF GODLEY PWS

Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION LICENSE

1260007 1260007

Location:

WATER LICENSING

104 S MAIN ST, GODLEY, TX, 76044

TCEQ Region:

REGION 04 - DFW METROPLEX

Date Compliance History Prepared:

March 30, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

March 30, 2002 to March 30, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Anita Keese

Phone:

(956) 430-6034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 03/07/2003

(26422)

2 08/30/2006

(510297)

3 03/21/2007

(543187)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/19/2003

(26422)

Self Report?

Citation:

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description:

Failure to maintain the residual disinfectant concentration in the far reaches of the

distribution system at a minimum of 0.2 mg/L free chlorine as per agency

regulations.

Self Report?

NO

NO

Classification:

Classification:

Classification:

Minor

Moderate

Citation: Description: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Failure to maintain copies of properly completed Customer Service Inspection

certifications on file by the regulated entity and made available, upon request, for Commission review. These certifications must be retained for a minimum of ten

years.

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.38(25)

30 TAC Chapter 290, SubChapter D 290.43(e)

Failure to install three strands of barbed wire at the top of the fence that point out

from the fence at a 45 degree angle.

Self Report? Citation:

Description:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i) 5A THC Chapter 341, SubChapter A 341.0315(c)

Description:

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include: two or more wells with a total rated well capacity of 0.6

gallons per connection.

Date 08/31/2006 (510297)

Self Report?

30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Citation: Description:

Failure to maintain copies of properly completed Customer Service Inspection certifications on file by the regulated entity and made available, upon request, for Commission review. These certifications must be retained for a minimum of ten

Self Report? NO Classification

Classification

Minor

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.38(25) 30 TAC Chapter 290, SubChapter D 290,43(e)

from the fence at a 45 degree angle.

Description:

Failure to install three strands of barbed wire at the top of the fence that point out

Classification

Minor

Self Report? NO Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description:

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include: two or more wells with a total rated well capacity of

0.6 gallons per connection.

Self Report? NO Classification

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description:

Failure to provide a suitable sampling tap on Well #7 (G1260007F) well discharge

to facilitate the collection of samples for chemical and bacteriological analysis

directly from the well. This tap must be installed prior to any treatment.

NO Self Report?

Classification Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(I)

Description:

Failure to compile and maintain current a thorough plant operations manual for

operator review and reference.

Self Report?

NO

NO

Classification

Minor

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description:

Failure to maintain backflow prevention assembly test and maintenance reports for

a minimum of three years.

Self Report? Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to maintain the barbed wire on the perimeter fence. Failure to maintain the barbed wire on the perimeter fence.

Self Report? NO Classification

Classification

Classification

Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(i)

Description:

Failure to adopt an adequate plumbing ordinance, regulations or a service

agreement with provisions for proper enforcement.

Self Report?

30 TAC Chapter 290, SubChapter D 290.46(t)

Citation: Description:

Failure to post a legible sign at each of its production, treatment, and storage

facilities by each community system.

Self Report?

NO

NO

Classification

Minor

Citation:

Description:

30 TAC Chapter 290, SubChapter F 290.121(a)

Failure to develop and maintain an up to date system monitoring plan.

Environmental audits. F

N/A

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

N/A

١. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING THE	§	TEXAS COMMISSION ON
CITY OF GODLEY	§	
RN101183135	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0555-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Godley ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a public water supply at 104 South Main Street in Godley, Johnson County, Texas (the "Facility") that has approximately 362 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 3. The City received notice of the violations alleged in Section II ("Allegations") on or about March 25, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Eight Hundred Twenty-Five Dollars (\$825) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Six Hundred Sixty Dollars (\$660) of the administrative penalty and One Hundred Sixty-Five Dollars (\$165) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily

- comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to provide the system with two or more wells with a total well capacity of 0.6 gallons per minute ("gpm") per connection or an approved interconnection which can supply at least 0.35 gpm per connection in the event of an emergency, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c), as documented during an investigation conducted on March 6, 2007.
- 2. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(1), as documented during an investigation conducted on March 6, 2007.
- 3. Failed to conduct an annual inspection, tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection, in violation of 30 TEX. ADMIN. CODE § 290.44(h), as documented during an investigation conducted on March 6, 2007.
- 4. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 Tex. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on March 6, 2007.

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III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Godley, Docket No. 2007-0555-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of the Agreed Order, begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121, and a thorough and up-to-date plant operations manual, as required by 30 TEX. ADMIN. CODE § 290.42.
 - b. Within 60 days after the effective date of the Agreed Order:
 - i. Submit written certification, as described in Ordering Provision 2.d. below, to demonstrate compliance with Ordering Provisions 2.a.; and
 - ii. Test all backflow prevention assemblies and certify each to be operating within specifications, in accordance with 30 Tex. ADMIN. CODE § 290.44.
 - c. Within 90 days after the effective date of the Agreed Order:
 - i. Submit written certification, as described in Ordering Provision No. 2.d. below, to demonstrate compliance with Ordering Provision No. 2.b.ii.; and
 - ii. Provide two or more wells that provide a total capacity of 0.6 gpm per connection, as required by 30 Tex. ADMIN. CODE § 290.45, or obtain an exception to the requirement, in accordance with 30 Tex. ADMIN. CODE § 290.39(1).
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering

Provision No. 2.c.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2301 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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City of Godley DOCKET NO. 2007-0555-PWS-E Page 5

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	•
For the Executive Director	9/7/07 Date
attached Agreed Order on behalf of the entity indi	ttached Agreed Order. I am authorized to agree to the cated below my signature, and I do agree to the terms wledge that the TCEQ, in accepting payment for the sentation.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney Gene penalties, and/or attorney fees, or to a collection. Increased penalties in any future enforcement 	eral's Office for contempt, injunctive relief, additional ection agency; ent actions; es Office of any future enforcement actions; and law.
Signature Dell'	5-31-07 Date
Name (Printed or typed) Authorized Representative of City of Godley	MAYOR Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.